



Federal Communications Commission  
Washington, D.C. 20554

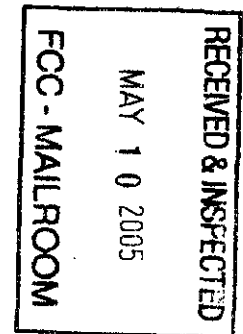
Imaging Center  
C4C203

May 2, 2005

Katherine Pyeatt  
6655 Aintree Circle  
Dallas, Texas 75214

DOCKET FILE COPY ORIGINAL

In re: RM-11075



Dear Ms. Pyeatt:

This letter is in reference to a petition for rule making you filed proposing the allotment of Channel 233A to Cherokee, Oklahoma, as its first local aural transmission service. In order to accommodate this allotment, you requested the reclassification of Station KHBZ-FM, Channel 234C, Oklahoma City, Oklahoma, to specify operation on Channel 234C0.

In accordance to the *Second Report and Order* in MM Docket No. 98-93<sup>1</sup>, and as set forth in Section 1.420(g), note 2, and Section 73.3574, note 4 of the Commission's rules, Station KHBZ-FM is subject to reclassification as a Class C0 facility because it is operating below minimum Class C standards. As a result, an *Order to Show Cause* ("Order")<sup>2</sup> was issued on September 24, 2004 pursuant to the reclassification procedures set forth in Section 73.3573, note 4 of the Commission's Rules, which afforded the licensee an opportunity to show why its respective license should not be modified to a Class C0 facility. Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of Station KHBZ-FM filed comments in response to the *Order* stating its intention to file a minor change construction permit application to increase its antenna height above 451 meters HAAT. Clear Channel filed an acceptable construction permit application on November 4, 2004 to increase its antenna height above 451 meters HAAT<sup>3</sup>. Therefore, pursuant to Section 1.420(g), note 2 of the Commission's Rules, your petition proposing the allotment of Channel 233A to Cherokee, Oklahoma is hereby dismissed.

As noted in the *Order*, the present three-year construction period will be applicable under this reclassification procedure. If the construction is not completed as authorized, Station KHBZ-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 233A at Cherokee may be filed.

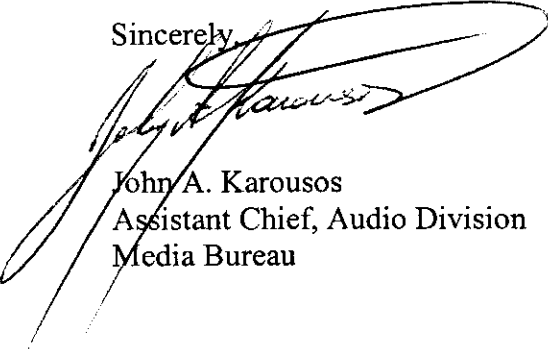
<sup>1</sup> See 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000).

<sup>2</sup> *Reclassification of License of Station KHBZ-FM, Oklahoma City, Oklahoma*, 19 FCC Rcd 18550 (MB 2004).

<sup>3</sup> See BPH-20041104ARX.

In light of the above, we are returning your petition for rule making for Channel 233A at Cherokee, Oklahoma.

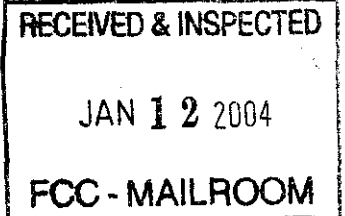
Sincerely,

A handwritten signature in dark ink, appearing to read "John A. Karousos", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

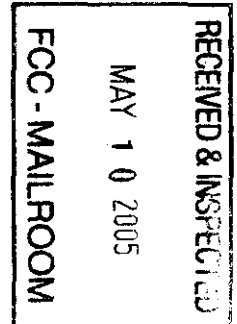
John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure

Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )  
 )  
Amendment of 73.202 (b) ) MB Docket No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
(Cherokee, OK) )



To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Katherine Pyeatt respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 233A at Cherokee, Oklahoma.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 233A to Cherokee, Oklahoma as that community's first local FM service. Cherokee is an incorporated community with its own zip code and a population of 1,638 persons.<sup>1</sup> Cherokee has its own Mayor, its own school system, its own volunteer fire department, police department, post office and a number of local churches. Cherokee is a community that is certainly deserving of local FM service. The proposed channel 233A will provide additional diversity and an outlet for local self-expression to Cherokee residents and therefore is in the public interest.

In order for Channel 233A to be allotted at Cherokee, Oklahoma, station KHBZ Channel 234C in Oklahoma City, Oklahoma will need to be reclassified to a C0. Pursuant to MM Docket 98-93, I am making a formal request for station KHBZ in Oklahoma City to be reclassified from a C to a C0. (See, Attachment A, Request to Reclassify statement)

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<sup>1</sup> U.S. Census 2000

Attached hereto is a channel study confirming that Channel 233A can be allocated to Cherokee, Oklahoma, consistent with the FCC's FM separation rules, provided 234C in Oklahoma City is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

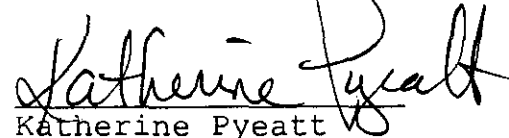
Reference coordinates for Channel 233A at Cherokee, Oklahoma are:

36 52 15 N  
98 23 00 W

Should this petition be granted and Channel 233A be allotted to Cherokee, Oklahoma, Petitioner will apply for Channel 233A at Cherokee and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Katherine Pyeatt  
6655 Aintree Circle  
Dallas, Texas 75214  
(214) 363-6030                      Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17<sup>th</sup> Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Katherine Pyeatt. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Ms Pyeatt.

January 2, 2004

Attachment A

Katherine Pyeatt  
6655 Aintree Circle  
Dallas, Texas 75214

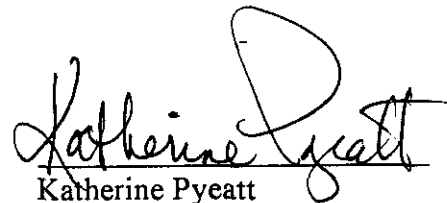
Petition for Rule Making  
FM Channel 233A  
Cherokee, Oklahoma  
January 2, 2004

### Attachment A

Request to Reclassify  
Station KHBZ(FM), Oklahoma City, Oklahoma  
Pursuant to MM Docket 98-93

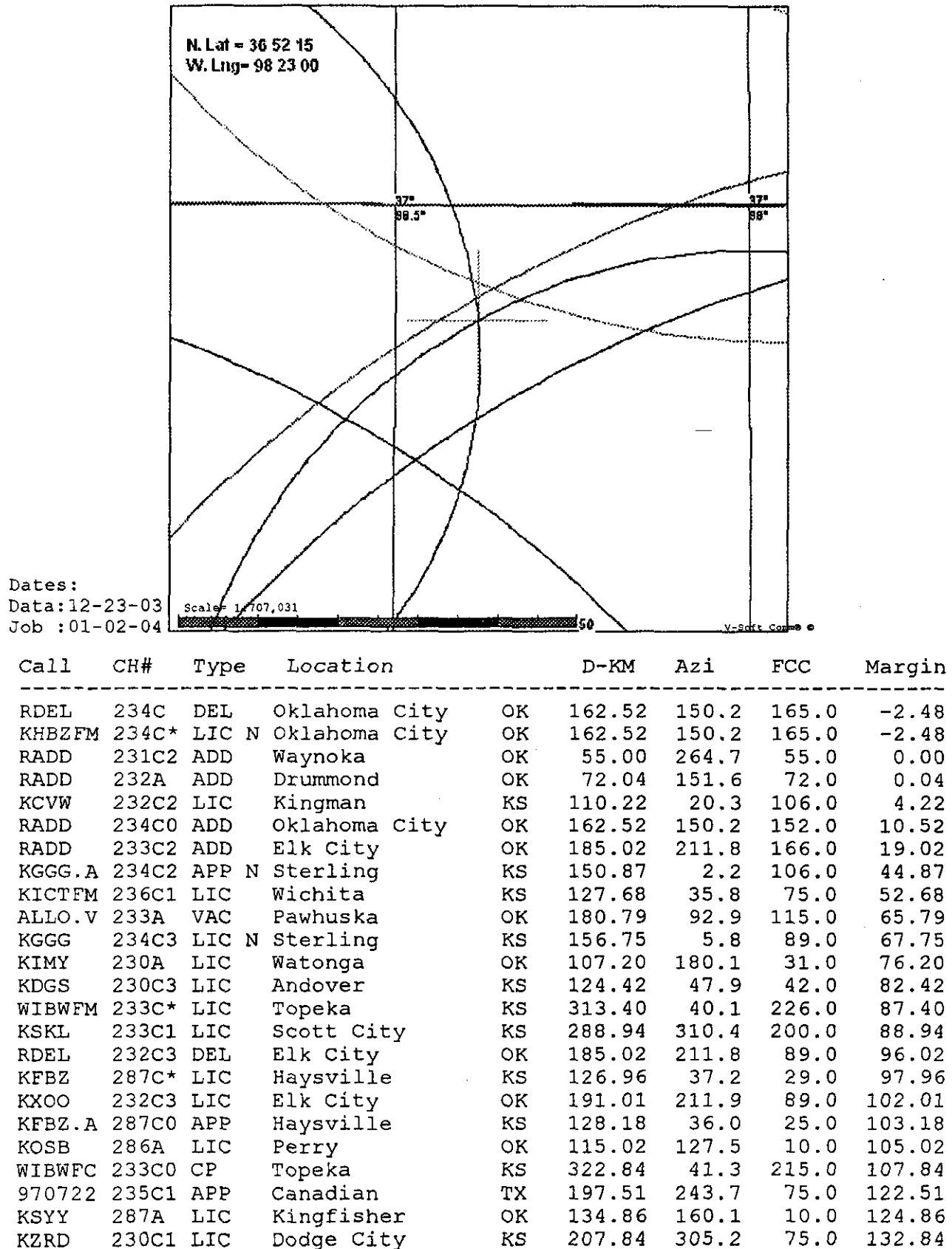
Radio Station KHBZ(FM), Oklahoma City, Oklahoma is licensed to Clear Channel Broadcasting Licenses Inc., 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129, (Facility ID 11964), FCC File No. BLH 20000105AAN. The facility operates with a power of 100 kilowatts with center of radiation 372 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Katherine Pyeatt respectfully requests that the license of Radio Station KHBZ(FM) be modified to specify operation on FM Channel 234C0 instead of on FM Channel 234C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Katherine Pyeatt, the proponent of Channel 233A/ Cherokee, Oklahoma, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KHBZ(FM) as a Class C0 facility. Katherine Pyeatt certifies that no alternative channel is available for the service he proposes at Cherokee, Oklahoma as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Clear Channel Broadcasting Licenses Inc., as is required in the above Docket.

  
Katherine Pyeatt

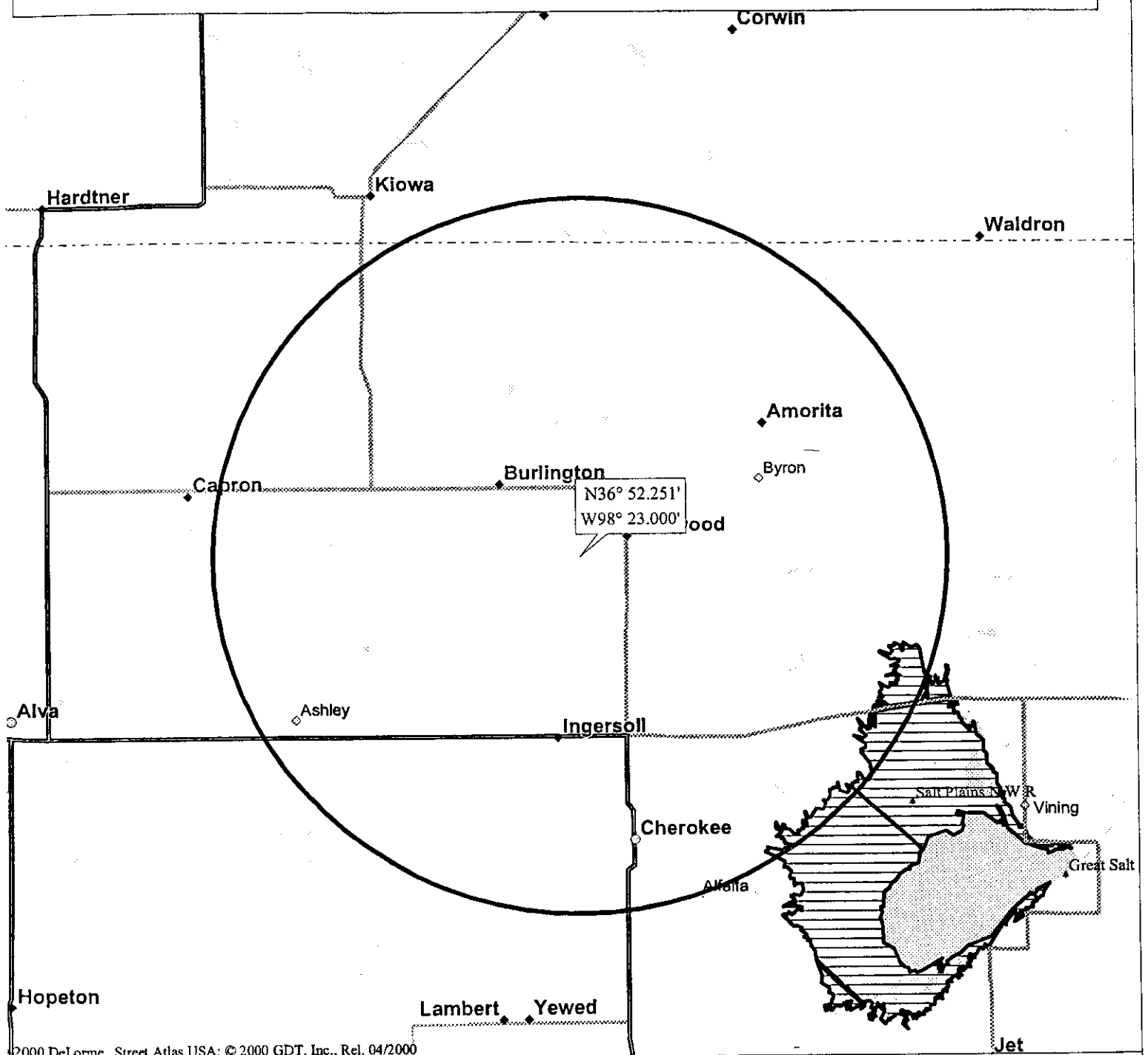
Attachment B

FM PROSP<sup>(TM)</sup> LOCATE STUDY CH 233 A 94.5 MHz





# Cherokee, OK CH 233A 70 dBu



© 2000 DeLorme. Street Atlas USA; © 2000 GDT, Inc., Rel. 04/2000

Aug 11.00  
 Fri Jan 02 09:26 2004  
 Scale 1:250,000 (at center)

5 Miles

5 KM

- |  |                  |  |                |
|--|------------------|--|----------------|
|  | US Highway       |  | Land           |
|  | Major Connector  |  | Water          |
|  | State Route      |  | Inundated Area |
|  | County Seat      |  |                |
|  | Small Town       |  |                |
|  | Park/Reservation |  |                |
|  | Locale           |  |                |
|  | State Boundary   |  |                |

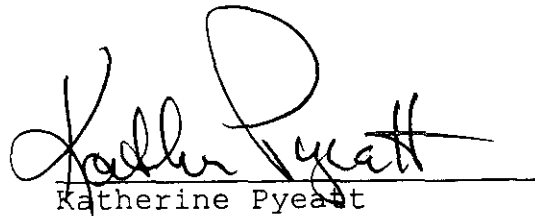
# CERTIFICATE OF SERVICE

I, Katherine Pyeatt, hereby certify that on this 2<sup>nd</sup> day of January, 2004, I caused copies of the foregoing "Petition for Rule Making for Cherokee, Oklahoma" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby-TW-A325  
Washington, D.C. 20554

Gene Bechtel, Esq.  
Law Offices of Gene Bechtel, P.C.  
1050 17<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-5517  
(Counsel for Petitioner)

Clear Channel Broadcasting Licenses Inc.  
Station KHBZ  
2625 South Memorial Drive, Suite A  
Tulsa, Oklahoma 74129

  
Katherine Pyeatt